

APR 29 2014

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

David J. Bradley, Clerk

UNITED STATES OF AMERICA

v.

JOSE ANGEL GUEVARA
JESSIE GARCIA
ALEJANDRO GARCIA
JEREMIAH HERNANDEZ§
§
§
§
§
§
§

Criminal No.

M-14-649

INDICTMENT

THE GRAND JURY CHARGES:

At all times relevant to this indictment:

1. The Social Security Act of 1935 created the federal and state Unemployment Insurance System, which is designed to provide benefits to persons out of work through no fault of their own.
2. In the State of Texas, the Texas Workforce Commission administered the Unemployment Insurance program on behalf of the federal government and with federal funds.
3. In order to apply for Unemployment Insurance benefits, a claimant was required to provide personal information to the Texas Workforce Commission via telephone or internet. Personal information includes the claimant's name, address, social security number, and date of birth.
4. Once a claim is approved, the Texas Workforce Commission authorizes the distribution of unemployment benefits via a Chase Bank debit card. Claimants receive the debit card by U.S. mail.
5. **Jose Angel Guevara**, defendant herein, was a former claims examiner for the Texas Workforce Commission and resided in the Southern District of Texas.
6. **Jessie Garcia**, defendant herein, resides in the Southern District of Texas.
7. **Alejandro Garcia**, defendant herein, was employed as a supervisor for the Texas Workforce

Commission and resided in the Southern District of Texas.

8. **Jeremiah Hernandez**, defendant herein, was employed as a Claims Examiner for the Texas Workforce Commission and resided in the Southern District of Texas.

THE OFFENSE

9. From on or about February 2009, and continuing to on or about September 17, 2013, in the Southern District of Texas, and within the jurisdiction of the Court, the defendants

**JOSE ANGEL GUEVARA
and
JESSIE GARCIA**

having devised and intending to devise a scheme and artifice to defraud and to obtain money and property from The Texas Workforce Commission by means of material false and fraudulent pretenses, representations, and promises, well knowing at the time that said pretenses, representations, and promises would be and were false and fraudulent when made, and for the purpose of executing the scheme and artifice to defraud and for obtaining money and property from The Texas Workforce Commission, did knowingly cause to be sent or delivered through the United States Postal Service certain matter or things as further described in the Counts below, according to the direction thereon.

THE METHOD AND MEANS OF THE SCHEME AND ARTIFICE

10. It was part of the scheme and artifice to defraud that Defendant **Jose Angel Guevara** did agree to create and did create fictitious Employer Information which he would then provide to Defendant **Jessie Garcia**, who would then submit this information to the Texas Workforce Commission, in order for an unindicted co-conspirator to fraudulently receive Unemployment Insurance benefits.

11. It was further a part of the scheme and artifice to defraud that Defendant **Jose Angel Guevara** would provide fraudulent claimant information to Defendant **Jessie Garcia** well knowing that **Jessie Garcia** would submit the fraudulent claimant information with the Texas

Workforce Commission.

12. It was also part of the scheme and artifice to defraud that Defendant **Jessie Garcia** did submit the fraudulent claimant information with the Texas Workforce Commission in order to have Unemployment Insurance benefits distributed to others.

13. It was further a part of the scheme and artifice to defraud that both defendants knew and expected that the fraudulently obtained Unemployment Insurance benefits would be distributed to the claimants via Chase Debit Cards sent and delivered through the U.S. Mail.

THE EXECUTION OF THE SCHEME AND ARTIFICE

14. On or about the dates set forth in the Counts below, in the McAllen Division of the Southern District of Texas and elsewhere, for the purpose of executing the aforesaid scheme and artifice to defraud, and to obtain money and property by means of false and fraudulent pretenses, representations and promises and intending to do so, the defendants, aided and abetted by each other and by others known and unknown to the Grand Jury, knowingly sent and caused to be delivered through the United States Mail according to the directions thereon mail matter containing debit cards to be used to obtain payments of Unemployment Insurance benefits as further described in the Counts below:

<u>Count</u>	<u>Date</u>	<u>Item Mailed</u>	<u>Item Mailed To</u>
1	August 1, 2011	Chase Bank Debit Card	CA in Brownsville, Texas
2	June 8, 2012	Chase Bank Debit Card	SA in Brownsville, Texas
3	December 3, 2012	Chase Bank Debit Card	MB in Brownsville, Texas
4	May 20, 2013	Chase Bank Debit Card	AF in Brownsville, Texas
5	August 30, 2013	Chase Bank Debit Card	RS in Brownsville, Texas
6	September 12, 2013	Chase Bank Debit Card	JM in Brownsville, Texas

In violation of Title 18 United States Code, Sections 1341 and 2.

Count 7

From on or about February 2009, and continuing to on or about September 17, 2013, in the Southern District of Texas, and within the jurisdiction of the Court, the defendants

**ALEJANDRO GARCIA
and
JEREMIAH HERNANDEZ**

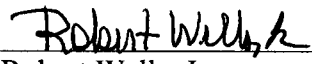
intentionally exceeded authorized access to a computer, and thereby obtained information from a protected computer.

In violation of Title 18 United States Code, Sections 1030(a)(2)(C) and (c)(2)(A).

A TRUE BILL:

Foreperson of the Grand Jury

KENNETH MAGIDSON
UNITED STATES ATTORNEY


Robert Wells, Jr.
Assistant United States Attorney